MYSORE ACT No. VIII OF 1911.

THE MYSORE SMALL CAUSE COURTS ACT, 1911.

(AS AMENDED BY ACT VI OF 1928.)

(Received the assent of His Highness the Maharaja on the 19th day of June 1911).

An Act to consolidate and amend the law relating to Courts of Small Causes in [the State of Mysore except Bellary District].

WHEREAS it is expedient to consolidate and amend the law relating to Courts of Small Causes in [1][the State of Mysore except Bellary District]; His Highness the Maharaja is pleased to enact as follows:–

Title, extent and commencement.

1. (1) This Act may be called "The Mysore Small Cause Courts Act, 1911".

(2) It extends to the [whole of the State of Mysore except Bellary District.]

(3) It shall come into force on the 1st day of July 1911.

But the Provisions of section 8 shall come into force only in such Courts and from such dates as may be notified by Government in the official Gazette.

Repeal of Act XI of 1865.

2. (*a*) From and after that date, Act XI of 1865, as applied to Mysore by the notification of the Government of India in the Foreign Department No. 31—I.J., dated the 28th January 1880, shall be repealed.

Amendment of the Mysore Civil Courts Act.

(*b*) The enactment referred to in Schedule II is amended to the extent specified therein.

Construction of references to Act XI of 1865.

(*c*) Any enactment or document referring to Act XI of 1865 shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Savings.

3. Nothing in this Act shall be construed to affect—

(*a*) any proceedings before or after decree in any suit instituted before the commencement of this Act; or

(*b*) any local or any special law other than the Code of Civil Procedure.

1. See the Mysore Adaptation of Laws Order, 1953.

Cognizance of suits by Courts of Small Causes.

4. All suits of the classes specified in Schedule I in which no relief is claimed in respect of immovable property and of which the value does not exceed such sum not exceeding Rs. 500 as may be fixed in each case by the Government in this behalf, shall be cognizable by a Court of Small Causes; and no other suits shall be so cognizable:

Provided that the Government may at any time add to or vary the schedule by a Notification published in the official Gazette.

[1][Exception.—A suit in ejectment based on leases of immovable property in writing, other than agricultural leases, is not a suit in respect of immovable property within the meaning of this section.]

Exclusive jurisdiction of Courts of Small Causes.

5. Save as expressly provided by this Act or by any other enactment for the time being in force, a suit cognizable by a Court of Small Causes shall not be tried by any other Court having jurisdiction within the local limits of the jurisdiction of the Court of Small Causes by which the suit is triable.

Return of plaints in suits involving questions of title to immovable property.

6. (1) Notwithstanding anything in the foregoing portion of this Act, when the right of a plaintiff and the relief claimed by him in a Court of Small Causes depend upon the proof or disproof of a title to immovable property, the Court may, at any stage of the proceedings, return the plaint to be presented to a Court having jurisdiction to determine the title.

(2) When a Court returns a plaint under sub-section (1), it shall comply with the provisions of the Code of Civil Procedure regarding the return of plaints and make such order with respect to costs as it deems just and the Court shall, for the purposes of the [2]Mysore Limitation Act, be deemed to have been unable to entertain the suit by reason of a cause of a nature like to that of defect of jurisdiction.

Non-suiting in certain cases.

7. In every case in which satisfactory proof shall not be given entitling either the plaintiff or the defendant to judgment, a Court of Small Causes shall have power to non-suit the plaintiff, subject to such orders as to costs as the Court may in each case think fit: provided that a plaintiff who has been non-suited under this section may, subject to the law of limitation, bring a fresh suit on the same cause of action.

1. Added by Act VI of 1928.
2. See Part B States (Laws) Act 1951 (Central Act III of 1951.)

Trial by composite Court.

8. In all suits where the amount claimed shall exceed fifty rupees, it shall be lawful for the plaintiff or the defendant to require the suit to be tried by a composite Court, on his depositing such costs and furnishing such security and giving such notice as may be determined by the Court, in accordance with rules to be framed in this behalf by the High Court.

Where such an application has been made and allowed, the case shall be heard by a Court composed of the Judge before whom the suit has been instituted and three jurors to be selected in accordance with rules to be framed in this behalf by the High Court.

The Judge shall settle what are the questions of law and what the questions of fact arising in the case, and he shall have the sole power to decide the questions of law. He shall preside at the trial and shall have a casting vote whenever the members are equally divided in opinion, and judgment shall be delivered in accordance with the opinion of the majority of the members of the composite Court on all questions of fact.

The rules to be framed by the High Court under this section shall be subject to the previous sanction of Government.

Appeals from certain orders of Courts of Small Causes.

9. Where an order specified in Section 104, clause (1) (*h*) of the Code of Civil Procedure, is made by a Court of Small Causes, an appeal therefrom shall lie to the District Court.

Revision of decrees and orders of Courts of Small Causes.

10. The High Court, for the purpose of satisfying itself as to the correctness, legality or propriety of a decree or order made in any case decided by a Court of Small Causes, may call for the case and pass such order with respect thereto as it thinks fit.

Finality of decrees and orders.

11. Save as provided by this Act, a decree or order made under the foregoing provisions of this Act by a Court of Small Causes shall be final.

Application of Act and Code to Court invested with the jurisdiction of a Court of Small Causes as to two Courts.

12. A Court invested with the jurisdiction of a Court of Small Causes, with respect to the exercise of that jurisdiction, and the same Court with respect to the exercise of its jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, shall, for the purposes of this Act and the Code of Civil Procedure, be deemed to be different Courts :

Provided that when in exercise of the jurisdiction of a Court of Small Causes, a Court invested with that

jurisdiction sends a decree for execution to itself as a Court having jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, it shall not be necessary, unless the Court otherwise directs, to send the documents prescribed by the Code of Civil Procedure in the case of transfer of decrees for execution from one Court to another.

Continuance of proceedings of abolished Courts.

13. (1) Where a Court of Small Causes or a Court invested with the jurisdiction of a Court of Small Causes has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to the case, whether before or after decree, which, if the Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court which, if the suit out of which the proceeding has arisen were about to be instituted, would have jurisdiction to try the suit.

(2) Nothing in this section applies to cases for which special provision is made in the Code of Civil Procedure, as extended to Courts of Small Causes, or in any other enactment for the time being in force.

SCHEDULE I.

SUITS COGNIZABLE BY COURTS OF SMALL CAUSES.

Section 4.

(1) A suit for money lent.
(2) A suit for money by or against a surety.
(3) A suit for the price of goods sold.
(4) A suit for money on a contract for work and labour.
(5) A suit for money on a contract of hiring and service.
(6) A suit for rent or for a share of produce when there is an express agreement to pay.
(7) A suit for payment for board or lodging.
(8) A suit for money received by defendant for plaintiff's use.
(9) A suit for money paid to defendant by mistake or money overpaid.
(10) A suit for money paid or value of goods delivered at defendant's request.
(11) A suit for damages for breach of a contract of sale of goods.
(12) A suit for money deposited.
(13) A suit for recovery of specific movable property pledged or deposited with the defendant or its value.
(14) A suit for the recovery of purchase money or earnest paid in respect of movable property where the sale has fallen through.
(15) A suit for the recovery of money entrusted to a person for a particular purpose but not so utilised.
(16) A suit for damages for use and occupation of immovable property (in cases where rent is not claimable as such).
(17) A suit for damages for loss of or injury to goods entrusted to defendants.
(18) A suit for reimbursement, restoration or compensation in cases falling under Sections 69 and 76 of the Contract Act, except as between members of a joint or undivided family or co-owners.
(19) A suit for contribution.
(20) A suit upon a foreign judgment where it has been obtained in respect of a suit which according to the law in force in Mysore is in the nature of a Small Cause Suit.
(21) A suit for maintenance based on a contract in writing.
[1][(22) Suits in ejectment based on leases of immovable property other than agricultural leases, which are in writing.]

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1. Added by Act VI of 1923.
Items 1 to 21 were substituted by Notification No. P. 2207—Cts. 135-22-5, dated 26—28th November 1927.

SCHEDULE II.

AMENDMENT OF THE MYSORE CIVIL COURTS ACT I OF 1883.

Section 3.—The word "four" shall be substituted for the word "three" and the words "4thly, the Court of Small Causes" shall be inserted after the words "3rdly, the Court of the Munsiff".

Section 4 (*a*).—The words "and of the Courts of Small Causes" shall be inserted after the word "Munsiffs".

Section 5.—The words "or of a Court of Small Causes" shall be inserted after the word "Munsiff".

Section 10-A.—After section 10, the following new section shall be added, namely,—

> "10-A. The jurisdiction of a Court of Small Causes shall be regulated in accordance with the law relating to such Courts for the time being in force in Mysore."

Section 19.—The conjunction "or" occurring after the words "Subordinate Judge" shall be omitted and the words "or a Judge of a Court of Small Causes" shall be inserted after the word "Munsiff."

Section 21.—The word "and" occurring before the word "Munsiffs" shall be omitted and the words "and Judges of Courts of Small Causes" shall be inserted after the said word.